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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 02, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL HERNANDEZ,
JESUS MENDOZA and
JESUS BARTOLO ZAVALA-
ALVAREZ,

Defendants.

4:20-CR-6016-SMJ

INDICTMENT

Viol.: 21 U.S.C. § 846

Conspiracy to Distribute 50 Grams
or More of Actual
Methamphetamine and 400 Grams
or more of Fentanyl (Count 1)

21 U.S.C. § 841(a)(1),
(b)(1)(C) and 18 U.S.C. § 2
Distribution of Fentanyl
(Counts 2 and 7)

21 U.S.C. § 841(a)(1),
(b)(1)(A)(viii) and 18 U.S.C. § 2
Distribution of 50 Grams or More
of Actual Methamphetamine
(Counts 3 and 4)

21 U.S.C. § 841(a)(1),
(b)(1)(A)(viii) and 18 U.S.C. § 2
Possession with the Intent to
Distribute 50 Grams or More of
Actual Methamphetamine
(Counts 5 and 9)

21 U.S.C. § 841(a)(1), (b)(1)(A)(vi)
and 18 U.S.C. § 2
Possession with the Intent to
Distribute 400 Grams or more of
Fentanyl
(Counts 6 and 8)

21 U.S.C. § 853, 18 U.S.C. § 982 Forfeiture Allegations

The Grand Jury charges:

COUNT 1

Beginning on a date unknown but by on or about February 2020, continuing until on or about April 27, 2020, in the Eastern District of Washington and elsewhere, the Defendants, DANIEL HERNANDEZ, JESUS MENDOZA, and JESUS BARTOLO ZAVALA-ALVAREZ, did knowingly and intentionally combine, conspire, confederate and agree together with each other and other persons, both known and unknown to the Grand Jury, to commit the following offenses: Distribution of 50 grams or more of Actual Methamphetamine and 400 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (aka Fentanyl), both Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(vi) and (viii); all in violation of 21 U.S.C. § 846.

COUNT 2

On or about March 18, 2020, in the Eastern District of Washington, the Defendants, DANIEL HERNANDEZ and JESUS MENDOZA, knowingly and intentionally distributed 40 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (aka Fentanyl), a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(vi) and 18 U.S.C. § 2.

1 COUNT 3
2

3 On or about March 31, 2020, in the Eastern District of Washington, the
4 Defendants, DANIEL HERNANDEZ and JESUS MENDOZA, knowingly and
5 intentionally distributed 50 grams or more of actual methamphetamine, in violation
6 of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii) and 18 U.S.C. § 2.
7

8 COUNT 4
9

10 On or about April 7, 2020, in the Eastern District of Washington, the
11 Defendant, DANIEL HERNANDEZ, knowingly and intentionally distributed 50
12 grams or more of actual methamphetamine, in violation of 21 U.S.C. § 841(a)(1),
13 (b)(1)(A)(viii) and 18 U.S.C. § 2.
14

15 COUNT 5
16

17 On or about April 9, 2020, in the Eastern District of Washington, the
18 Defendant, JESUS BARTOLO ZAVALA-ALVAREZ, knowingly and
19 intentionally possessed with intent to distribute 50 grams or more of actual
20 Methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii) and 18
21 U.S.C. § 2.
22

23 COUNT 6
24

25 On or about April 9, 2020, in the Eastern District of Washington, the
26 Defendant, JESUS BARTOLO ZAVALA-ALVAREZ, knowingly and
27 intentionally possessed with intent to distribute 400 grams or more of a mixture or
28 substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-
piperidinyl] propanamide (aka Fentanyl), a Schedule II controlled substance, in
violation of 21 U.S.C. § 841(a)(1)(b)(1)(A)(vi) and 18 U.S.C. § 2.
29

30 COUNT 7
31

32 On or about April 20, 2020, in the Eastern District of Washington, the
33 Defendants, DANIEL HERNANDEZ and JESUS MENDOZA, knowingly and
34 intentionally distributed a mixture or substance containing a detectable amount of
35

1 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (aka Fentanyl), a
2 Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C)
3 and 18 U.S.C. § 2.

4 COUNT 8

5 On or about April 27, 2020, in the Eastern District of Washington, the
6 Defendant, DANIEL HERNANDEZ knowingly and intentionally possessed with
7 intent to distribute 400 grams or more of a mixture or substance containing a
8 detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide
9 (aka Fentanyl), a Schedule II controlled substance, in violation of 21 U.S.C.
10 § 841(a)(1)(b)(1)(A)(vi) and 18 U.S.C. § 2.

11 COUNT 9

12 On or about April 27, 2020, in the Eastern District of Washington, the
13 Defendant, DANIEL HERNANDEZ knowingly and intentionally possessed with
14 intent to distribute 50 grams or more of actual methamphetamine, in violation of
15 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii) and 18 U.S.C. § 2.

16 SERIOUS DRUG FELONY

17 Before JESUS MENDOZA committed the offenses charged in Counts 1, 2,
18 3 and 7, JESUS MENDOZA had a final conviction for a serious drug felony, as
19 defined in 21 U.S.C. § 802(57), to wit: Conspiracy to Distribute 500 Grams or
20 More of a Mixture or Substance Containing a Detectable Amount of
21 Methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii) and 846, in
22 the United States District Court for the Eastern District of Washington, Case No.
23 2:12-CR06053-EFS-14, and having served a term of imprisonment beginning on or
24 about December 19, 2014, and continuing until on or about June 22, 2017.

25 NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS

26 The allegations contained in this Indictment are hereby re-alleged and
27 incorporated by reference for the purpose of alleging forfeitures.

Pursuant to 21 U.S.C. § 853, upon conviction of an offense(s) in violation of 21 U.S.C. § 841, as set forth in this Indictment, Defendants, DANIEL HERNANDEZ, JESUS MENDOZA, and JESUS BARTOLO ZAVALA-ALVAREZ, shall forfeit to the United States of America, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense(s) and any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of the offense(s). The property to be forfeited is listed as follows:

Defendant DANIEL HERNANDEZ (Counts 1, 8 and 9):

- \$69,985.00 U.S. currency seized on April 27, 2020;
- a Ruger EC9S 9mm Caliber Pistol, SN: 455-50119;
- a Colt Officers Model .38 Caliber Revolver, SN: 314240;
- a Smith and Wesson, M&P Bodyguard 380, .380 Caliber Pistol, SN: KER3330;
- a Springfield Armory 1911A1 .45 Caliber Pistol, SN: NM187582;
- a Taurus 66 .38 Caliber Revolver, SN: LR437184; and,
- a Shadow Ops Weaponry, LLC, SHDW-15 .223 Caliber Rifle, SN: 00187;

Defendant JESUS BARTOLO ZAVALA-ALVAREZ (Counts 1, 5 and 6):

- \$4,840.00 U.S. currency seized on April 9, 2020; and,
- a SCCY Industries, LLC, CPX-2 9mm Caliber Pistol, SN: 466857

If any of the property described above, as a result of any act or omission of the Defendant(s):

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;

- c. has been placed beyond the jurisdiction of the court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p).

DATED this 2 day of June 2020.

Foreperson

William D. Hyslop
United States Attorney

William D. Hyslop
United States Attorney

(ath) Karp

Stephanie A. Van Marter
Assistant United States Attorney